

MAXCY

—
PUBLIC

LANDS

FOR

SCHOOLS

—
BALTIMORE

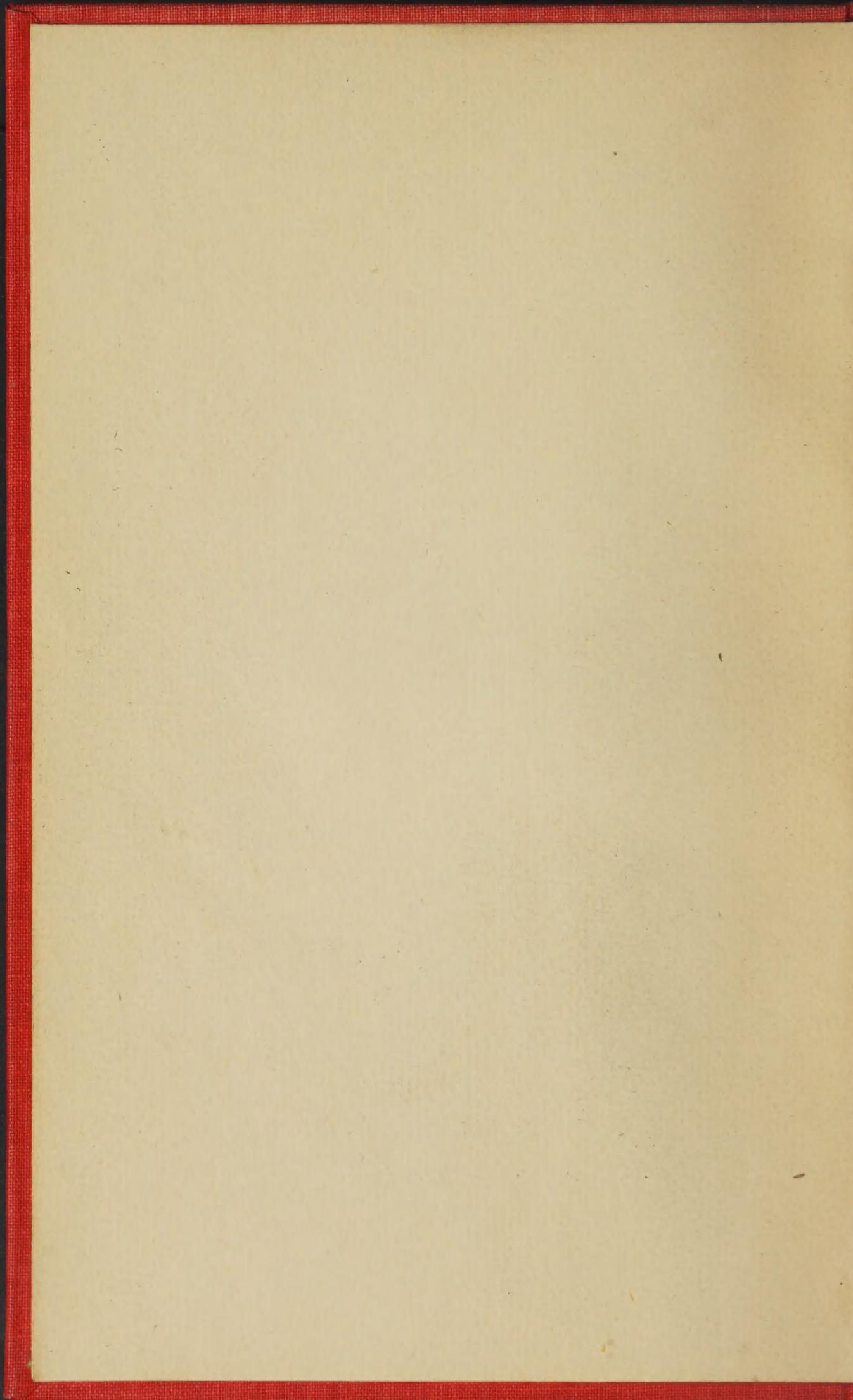
1821

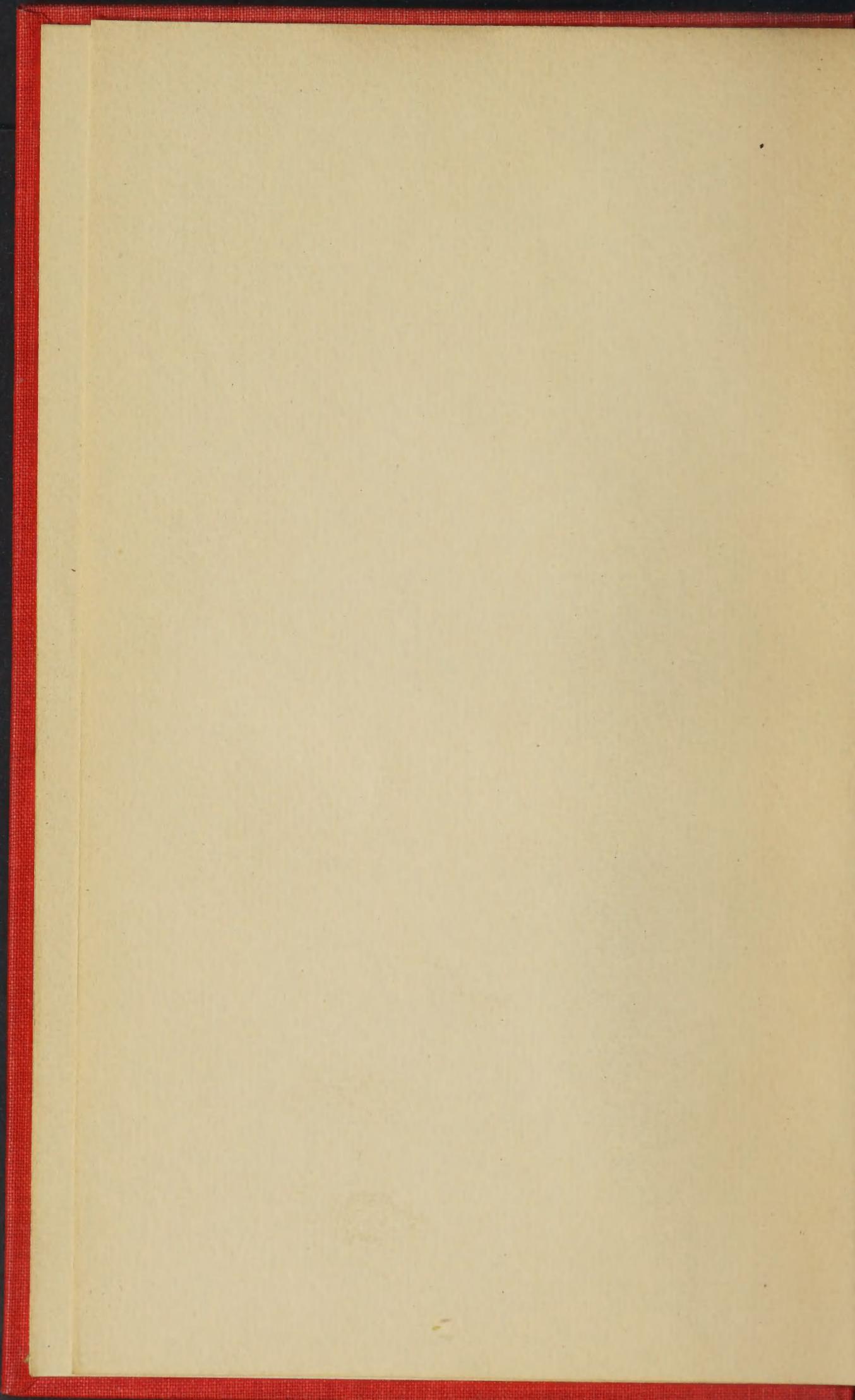






RB-4
379.752
M 393
1821
R.B.





35

REVIEW

OF THE

MARYLAND REPORT,

ON THE

APPROPRIATION OF PUBLIC LANDS

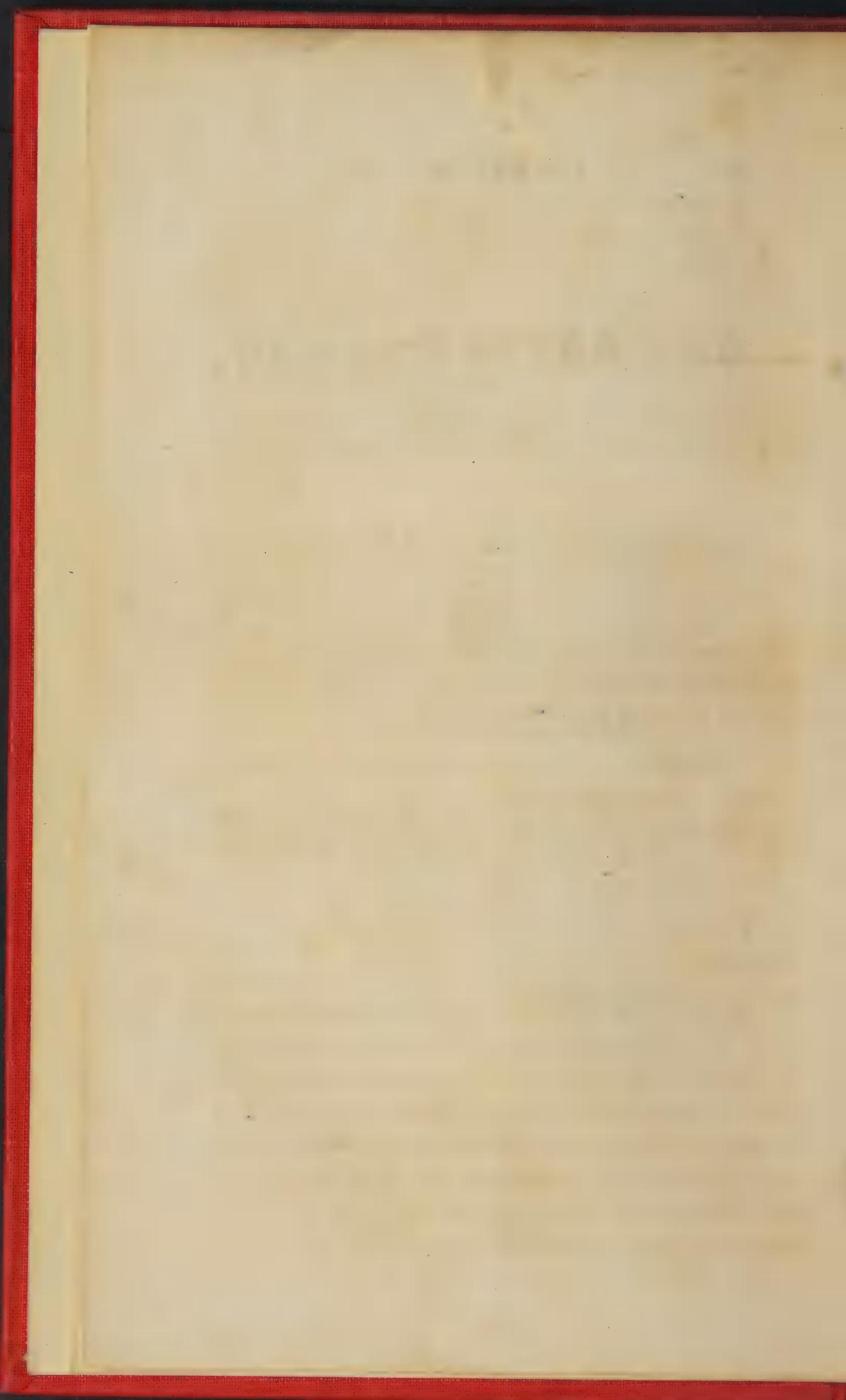
FOR

SCHOOLS,

AS DRAWN UP AND REPORTED TO THE SENATE OF MARYLAND, JAN. 30, 1821,
BY V. MAXCY, CHAIRMAN OF THE COMMITTEE ON EDUCATION
AND PUBLIC INSTRUCTION.

From the North American Review, for October, 1821.

Baltimore:
PUBLISHED BY EDWARD J. COALE.
1821.
JOHN D. TOY, PRINTER.



REVIEW.

Report, with sundry Resolutions relative to Appropriations of Public Lands for the Purposes of Education, to the Senate of Maryland, January 30, 1821. By V. Maxcy, Chairman of the Committee on Education and Public Instruction.

Report on the Expediency of granting Public Land for the Support of Education in the Senate of the United States. February 9, 1821.

Report of the Committee on Colleges, Academies, and Common Schools, in the Legislature of New York, March 30, 1821, upon the Message of his Excellency the Governor, communicating the Resolutions of the Legislature of Maryland. By G. C. Verplanck, Chairman of the Committee.

THE subject, which we are now about to consider, is manifestly of great national importance. It relates to a very extensive appropriation of the national property for the support of schools. Grants of national lands have already been made to a considerable extent, for the aid of colleges and schools in some of the western states. The same grants have not as yet been extended to the old states, and it seems now to be made a question, whether these states have any claims on the general government for similar grants, as a balance to what are conceived to be at present the exclusive pri-

vileges of the new states. The subject was first brought before the public, we believe, by Mr. Maxcy in a report made by him as chairman of the Committee on education and public instruction, in the Senate of Maryland, February 1, 1820. After stating the manner in which the lands have been granted in the west, Mr. Maxcy observes;

“ The public lands, though *located* in the west and south, are the common property of all the United States. Each state has an equal right to a participation, in a just proportion, of that great fund of national wealth. Your committee can discern no reason why the people who have already settled in, or shall remove to, those states and territories, which have been formed out of these public lands, should enjoy any peculiar and extraordinary advantages from this common property, not possessed by those who remain in the original states. They are far from censuring that enlightened policy, which governed Congress in making the liberal appropriations above mentioned, for the encouragement of learning in the new states and territories. They, on the contrary, most heartily applaud it. But they, at the same time, are of opinion that the people of the original states of this union, by whose common sword and purse those lands have been acquired, are entitled, upon principles of the strictest justice, to like appropriations for the endowment and support of literary institutions, within their own limits.”

The Report containing the words here quoted, was introduced too late to be taken into consideration during that session of the legislature. The same proposition was renewed the year following by Mr. Maxcy, and defended in an able and elaborate Report, which was adopted by the Senate and House of Delegates of

Maryland. The following resolutions were passed in both houses.

1. “*Resolved by the General Assembly of Maryland*, that each of the United States has an equal right to participate in the benefit of the public lands, the common property of the union.
2. “That the states in whose favour Congress has not made appropriations of land for the purposes of education, are entitled to such appropriations as will correspond, in a just proportion, with those heretofore made in favor of the other states.
3. “That his excellency the governor be requested to transmit copies of the foregoing Report and Resolutions to each of our senators and representatives in Congress, with a request, that they will lay the same before the respective houses, and use their endeavors to produce the passage of an act to carry into effect the just principles therein set forth.
4. “That his excellency the governor be also requested to transmit copies of the said Report and Resolutions to the governors of the several states of the union, with a request that they will communicate the same to the legislatures thereof, respectively, and solicit their co-operation.”

These resolutions have been accordingly transmitted to the governors of the several states. In Virginia, if we are rightly informed, they were assented to unanimously. In New-York a counter report was drawn up by Mr. Verplanck, chairman of the Committee on colleges, academies, and common schools, and accepted by a majority of the legislature. Connecticut has approved the Maryland resolutions, and adopted a report, which, among other things, contains a resolution requesting “the senators and representatives of that

state in the Congress of the United States to use their endeavors to procure an appropriation of a part of the public lands, for the promotion of the objects of science and education in the several states, to be divided among them in such manner and proportion as to Congress shall appear just and equitable." What have been the decisions of the other states, whose legislatures have been in session since they received the Maryland resolutions, we have not learned.

Before we undertake the investigation of the principles on which the Maryland resolutions are founded, it may be well to inquire a little into the manner in which the United States came into possession of the public lands. The greatest part of those on the east side of the Mississippi river, was derived by cessions from several states. The claims of these states to any portion of the lands, beyond their established boundaries, were, in our view, for the most part merely nominal, and in no case supported by any good foundation. Take Virginia as a memorable example. This state professed to claim all the extensive and valuable territory northwest of the Ohio, and east of the Mississippi. But upon what grounds will appear by a very brief statement of facts.

Originally the whole tract of country north of the Gulf of Mexico, extending to the present northern boundary of the United States, was called Virginia. This name was given to the country after sir Walter Raleigh's expedition. The patent granted to him by queen Elizabeth specified neither name nor limits. The new patent of James I. was more definite. This patent was granted with similar conditions to two separate companies, one of which settled at Plymouth, and the other near Cape Henry. The quantity of land of

which each was to take possession was limited to one hundred miles along the coast, and one hundred up the country, making a square of one hundred miles.

The settlers near Cape Henry were usually denominated the South Virginia, or the London Company. To this company, in the year 1609, and six years after the date of their first patent, was granted a new patent or charter, enlarging the boundaries of their former grant. And this is the charter from which Virginia professed to derive her title, after the revolutionary war, to the territory northwest of the Ohio. The boundaries of the tract, thus granted to the London Company, were defined as follows, namely, "being in that part of America, called Virginia, from the point of land called Cape or Point Comfort all along the sea-coast to the northward, two hundred miles, and from the point of Cape Comfort all along the sea-coast to the southward two hundred miles; and all that space and circuit of land lying from the sea-coast of the precinct aforesaid, up into the land throughout from sea to sea, west and northwest." *Charter of Virginia, sec. 6.* Few men at the present day, probably, would presume so much on their sagacity, as to attempt to attach any meaning to the last half of this extract. At the commencement of the revolution, however, it was discovered to have a very profound meaning, and on this obscure clause alone were built the claims to all the unsettled lands in the northwestern territory. The phrase, *from sea to sea*, it was contended, meant the whole space between the Atlantic and Pacific oceans. But the claimants, notwithstanding, were not so exorbitant in their demands.

Their moderation brought them within vastly narrower limits, than, according to their interpretation, the charter warranted. By gradual encroachments other

states had been formed within what were contended to be the chartered limits, and Virginia was at length bounded on the north by Maryland and Pennsylvania, and on the south by North Carolina. By the treaty of 1763 between England and France, the Mississippi was established as the boundary between British America and Louisiana. This brought the limits of Virginia very much short of the Pacific ocean. And, finally, the claimants were contented to have their territory compressed within the lakes on the north, and the Mississippi on the west; thus giving up the very interpretation of their charter, upon which alone they professed to found any claim.

But what makes the thing more extraordinary is, that the charter was vacated, fifteen years after it was granted, by a *quo warranto* from Charles I. The company, to which it had been given, was dissolved. Old-mixon says, that this was caused by the mismanagement of the proprietors. Grants were given to private adventurers, who not only raised quarrels among themselves, but exasperated the Indians, and induced them to commit outrages on the peaceable settlers. To prevent further difficulties, king Charles dissolved the company, and annulled the charter. He took the colony under his own direction, sent out officers of his own appointment, reserved a quitrent to himself, and ordered all grants and patents to be given in his name. How then could any claim be made under this charter, even admitting the obscure clause, which alone was supposed to sanction the claim, to have any meaning? The charter was never afterwards made the rule of government in the colony. The king was the only proprietor, and Virginia was in the strictest sense a regal province.

This was also the understanding of the British government, as is manifest from the proclamation of the king in 1763, relating to the American colonies. It is there stated to be the royal will and pleasure, that no governor, or other officer in the colonies should "grant warrants of survey, and pass patents for any lands beyond the heads or sources of any the rivers, which fall into the Atlantic ocean from the west, or north west." *Laws of the U. S. vol. i, p. 446.* This language is a proof, that the king considered Virginia a regal colony, and that its western boundary, even in that charter, did not extend beyond the Alleghanies. The Council of Virginia received the king's proclamation in this sense, as may be seen in a letter of the president of the Council to Lord Hillsborough. Afterwards, also, when lord Dunmore made a grant of certain lands on the Ohio, without the king's authority, he received a sharp reprimand in a letter from the secretary of state, reminding him of the "king's express command, that no lands should be granted beyond the limits of the royal proclamation of 1763, until the king's further pleasure was signified." From the facts contained in this short view of the subject, the inference is irresistible, that Virginia, as a distinct colony, had no claims to any of the unappropriated lands.—The subject of the Virginia claims was handled with great ability at the time, in an essay entitled *Public Good*, by a writer, who has been more famed for his acuteness and talents as a politician, than for the correctness of his moral principles, or his reverence for religion.

If the same investigation were pursued in regard to the other states, we are convinced their claims would prove quite as groundless as those of Virginia. The

parts of the charters, by which these claims were supposed to be sustained, are either so unintelligible, contradictory, or indefinite, as to render it almost absurd to make them a serious ground of claim. Take, for instance, the following clause in the charter of Massachusetts, upon which the claim of that state was grounded. After defining the northern boundary of the province, the charter goes on to include “all the lands and hereditaments whatsoever, lying within the limits aforesaid, and extending as far as the outermost points or promontories of land called Cape Cod and Cape Malabar, north and south, and in latitude, breadth, and in length, and longitude, of and within all the breadth and compass aforesaid throughout the main land there, from the said Atlantic or western sea and ocean, on the east part, towards the South Sea or westward, as far as our colonies of Rhode Island, Connecticut, and the Narragansett country.” Now, who can persuade himself, that he has any clear ideas on reading this passage? And above all, that it could give any just claim to a tract of country three thousand miles in extent, from the Atlantic to the Pacific ocean; more especially, when it is known, that this would pass directly across the large grant, which had already been made by Charles II. to the Duke of York?* The charter of Connecticut is less obscure, it is true, and states in plain language, that the boundary of the colony should be “the South Sea on the west part.” This also was given the year before the grant to the Duke of York, and is not, on this ground, subject to the same objection as the charter of Massachusetts.

* The charter of the Province of Massachusetts Bay was given October 7, 1691; and the grant to the Duke of York, March 12, 1663.

But, before any *right* can be supposed to grow out of this obscure language of the charters and grants, is it not necessary to ascertain the views and intentions of the parties? It was the general impression, that the South Sea was very near the Atlantic. Drake had seen the Pacific and the Atlantic from the same point on the Isthmus of Darien. The proximity of the two seas was supposed to be the same along the northern coast. This is proved from several curious facts. Stith relates, in his History of Virginia, that in the year 1608 a company was fitted out in England, with a barge, that might be taken in pieces, with which the company were instructed, under the command of captain Newport, to go up James River with a view to discover the country of the Monakins, “and from thence they were to proceed, *carrying their barge beyond the falls to convey them to the South Sea.*” Hutchinson also gives an account of some of Champlain’s people, who, “having been a few days’ march from Quebec, returned with great joy, supposing, that from the top of a high mountain, they had discovered the South Sea.” Such were the vague notions, when the charters were granted, respecting the situation of the South Sea, or the Pacific Ocean.

The truth is, the South Sea boundaries seem to have been another name for indefinite limits, which the king was afterwards to circumscribe and define as he should think proper. This is very plain from the circumstance of grants being made, which ran into the western borders of the colonies, whose chartered limits were defined in this obscure manner. Thus, Maryland, Pennsylvania, and North Carolina, were taken out of what were considered the chartered limits of Virginia, and made over by royal charter to their respective pro-

prietors. Then, and not before, the northern and southern boundaries of Virginia became defined. And so with the western boundary of Connecticut, which was at first unlimited. It was defined the year after by the grant to the Duke of York. We may say the same of the western limits of Carolina, which at first extended to the South Sea, or indefinitely. They were afterwards defined by the Georgia charter. If it was not the understanding from the beginning, that these western limits were considered indefinite, and left to the future decision of the crown, how is it to be accounted for, that encroachments were suffered thus to be made without a single remonstrance, or complaint from the states, or colonies, thus encroached upon?

From these views we are convinced, that, before the revolutionary war, no state had any claims to lands beyond its chartered limits, and that no fair construction of any charter could extend these limits into the lands northwest of the Ohio. These were residuary lands, neither subject to the control of any proprietary, nor chartered colony, nor any of the colonial crown governments, but wholly, and exclusively, at the disposal of the king. For the same reason, after the revolution, they belonged to the United States. In regard to Georgia, although it was bounded by the "South Seas" on the west, nevertheless, all the territory west of the Mississippi belonged at that time to the French. And whatever question of territory might arise, this state could exhibit no exclusive claims on the strength of its charter; because, twenty years after the charter was given, it was surrendered to the king, and the government became entirely regal. The claims of North Carolina were less incumbered, as its western limits

had not been defined by any charter subsequent to its own. The United States, however, had the same power to define these limits, as the king had before the revolution, and which, as we have seen, he exercised in numerous instances.

The question concerning the lands, involved in these claims, began to be agitated soon after the declaration of independence. The claims of particular states were considered unjust and unfounded by those states, which had no part in these claims. It was contended, that the right of property in these lands was secured by the common efforts, and the common sacrifices of all the states, and that justice demanded they should be appropriated for the equal benefit of all. The state of Maryland, in particular, was very prompt and decided on this subject.

“This state,” says Mr. Maxcy, “as early as the 30th of October 1776, expressed its decided opinion, in relation to the vacant lands, by an unanimous resolution of the convention, which framed our constitution, and form of government, in the following words; ‘Resolved *unanimously*, that it is the opinion of this convention, that the very extensive claim of the state of Virginia to the back lands hath no foundation in justice, and that if the same, or any like claim is admitted, the freedom of the smaller states and the liberties of America may be thereby greatly endangered; this convention being firmly persuaded, that, if the dominion over those lands should be established by the blood and treasure of the United States, such lands ought to be considered as a common stock, to be parcelled out at proper times into convenient, free, and independent governments.’

“In the years 1777 and 1778, the General Assembly, by resolves, and instructions to their delegates in Con-

gress, expressed their sentiments in support of their claim to a participation in these lands, in still stronger language, and declined acceding to the confederation, on account of the refusal of the states claiming them *exclusively* to cede them to the United States. They continued to decline, on the same grounds, until 1781, when to prevent the injurious impression, that dissension existed among the states occasioned by the refusal of Maryland to join the confederation, they authorized their delegates in Congress to subscribe the articles; protesting, however, at the same time, against the inference, which might otherwise have been drawn, that Maryland had relinquished its claim to a participation in the western lands."

The Maryland resolution was probably in unison with the prevailing sentiments and feelings of the other states. But nothing decisive was done till after the treaty of peace in 1783. By this treaty Great Britain relinquished "to the United States all claim to the government, property, and territorial rights of the same, and every part thereof." This established a new relation between the states. It gave strength and certainty to the bond of union, which had before been comparatively weak and dubious. They had not the same motives for clinging to individual interests, as when they were looking forward to a variety of possible results. The great object, for which they had been struggling, and in which they had merged all others, was at length gained. Their independence, and every political, civil, and religious right had been secured. The important question remaining was, how these privileges were to be converted to the most certain means of a permanent union and happiness? Policy and interest united with the best moral principles to

dictate the wisest course. The generous spirit of patriotism, and a disposition to conciliate, which must at this time have pervaded all parties, produced just impressions, and brought into harmony the views of those, who before acted on discordant principles, because they imagined themselves to have separate and conflicting interests. Influenced by motives like these, and perhaps by many others equally honourable, the respective states yielded up what they conceived to be their claims to the unsettled lands. These cessions were made at different times, and all, except that of Georgia, within a few years after the peace.

By these cessions, all the unappropriated lands, within the bounds of the United States, except such as belonged to the Indians, became the property of the United States, and were of course brought under the jurisdiction of the general government of the states. The result, therefore, was precisely the same as if no claims had been made, with this difference only, that some of the states gave up their claims with reservations and conditions. These the United States' government was bound to respect, whatever might have been the original validity of the claim; because receiving lands as a cession was acknowledging a previous right to those lands in the party which made the cession. Hence Connecticut reserved a valuable tract on the south shore of lake Erie, the proceeds of which have since been most wisely and munificently appropriated for the benefit of schools in that state. It was also made a condition of the cession by Georgia, that the United States should pay one million two hundred thousand dollars to that state, and extinguish the Indian title to such lands as were held by the Indians, within the reserved limits of the state. No attempt

was ever made to contest the claims of any of the states. They were all voluntarily given up, and in this amicable manner the United States have acquired an indubitable title to all the public lands on the east side of the Mississippi. The territory west of the Mississippi, as well as the southern parts of the states of Mississippi and Alabama, was purchased by the United States of France in 1803, and paid for out of the common fund. It hence follows, that all these lands are the common property of all the states collectively, and under the entire control of Congress.

As these lands are a common property, in which each state has an interest proportionate to its significance in the union, they ought to be so disposed of, as to confer a proportionate benefit on each. This is equally conformable to justice, and the fundamental principles of our federal union; and, moreover, this disposition of the lands was, with some of the states, a special condition of cession. This was particularly the case with Virginia, whose claim was considered much the most important. After specifying certain conditions, requiring the United States to reimburse the expenses, which Virginia had incurred in defending the territory, and also providing that the French inhabitants within the territory should have their possessions confirmed to them, the act of cession requires that all the lands, not included in other special conditions, "shall be considered as a common fund for the use and benefit of such of the United States as have become, or shall become, members of the confederation, or federal alliance of the said states, Virginia inclusive, according to their usual respective proportions in the general charge and expenditure, and shall be faithfully and bona fide disposed of for that purpose, and for no

other use or purpose whatsoever." Here is an express stipulation, and it is the spirit of all the acts of cession. Now, as we have already observed, however defective the claims of any state were originally, when they were recognized, the United States were bound to comply with all conditions on which a title was resigned. These conditions, therefore, expressly on the part of Virginia, and impliedly on the part of the other states, afford an additional reason, if such a reason were required, why all the public lands obtained by cessions should be appropriated for the proportionate benefit of every section of the union. No argument is required to prove that all the lands, which have been purchased out of the national fund, should be disposed of by the same rule of appropriation.

We come next to inquire, whether Congress has uniformly acted upon this principle. Have the proceeds of the public lands been distributed in due proportion to every part of the union? Mr. Maxcy's remarks on this subject are pertinent and just.

"So far as these lands have been sold, and the proceeds been received into the national treasury, all the states have derived a justly proportionate benefit from them. So far as they have been appropriated for purposes of defence, there is no ground for complaint; for the defence of every part of the country is a common concern. So far, in a word, as the proceeds have been applied to NATIONAL, and not to STATE purposes, although the expenditure may have been local, the course of the general government has been consonant to the principles and spirit of the federal constitution. But so far as appropriations have been made, in favor of any state or states, to the exclusion of the rest, where the appropriations would have been beneficial, and

might have been extended to all alike, your committee conceive there has been a departure from that line of policy, which impartial justice, so essential to the peace, harmony, and stability of the union, imperiously prescribes."

In discussing this subject, it is important to keep in mind some definite notions of the distinction between NATIONAL, and STATE interests. In one sense they are the same. Whatever may be said, with strict truth, to be beneficial to the nation, may be considered in some degree beneficial to each part, inasmuch as the safety of a part depends on the stability and welfare of the whole. But, on the other hand, it is very possible for the whole to be benefitted at the expense of a part; so that the United States may be gaining strength and prosperity, while an individual state is losing its comparative standing and influence. In all such cases some of the states are increasing beyond their due proportion. This consequence may sometimes happen to a certain degree, from the nature of our political and local relations; and for this reason, it is a consequence, against which it is the duty of Congress to guard with very great vigilance. So far as it depends on the structure of the state governments, the nature and productiveness of the soil, the institutions and occupations of the people, or any thing peculiar to place or condition, it can hardly come under the control of Congress. And as all these circumstances will have a very active influence in moulding the character, and deciding the comparative importance, prosperity, and happiness of individual states, it becomes so much the more necessary, that in all those things, in which Congress has the power of be-

stowing benefits, this duty should be discharged with the strictest impartiality.

The defence of the country, and the protection and encouragement of commerce, are a common cause, and whatever appropriations are made for these purposes may be considered as promoting *national* interests. By these, every state is benefitted alike, because the rights of each are equally secured, and the expenses of each for the support of the general government are proportionally paid. *State* interests are such as relate to all kinds of internal improvements, agriculture, manufactures, encouragement of industry, science, literature, the arts, or useful inventions. To promote any of these purposes, no appropriation can justly be granted to any state, or section of the union, without an equivalent, either in kind or value, to *every other* state, or section. This is a fundamental principle, which should not be violated to the injury of any state, even if such violation were to produce a large *national* benefit; for this principle is the only security of the *state* interests. Congress may, and ought, to afford encouragement to all the purposes here enumerated, but never for the benefit of the whole, or a part, to the manifest injury of another part. If it can be allowed that, on any possible occasion, a majority of Congress may vote away the privileges of an individual state for the general good, it will virtually dissolve the ties which bind the states together, by destroying the object for which a union is desirable. Each state has rights, privileges, and concerns, peculiar to itself, which it is as important should be maintained, as those which it enjoys in common with the other states. If extreme cases can be imagined, in which the principle here stated cannot easily be reduced to practice.

yet the *principle* should be held sacred, and never be deserted without an obvious necessity, or as a temporary and pressing expedient. By this principle it is proper to try the proceedings of Congress in regard to the plan, which has been pursued in disposing of the public lands.

Before any of the states had relinquished their claims, it was urged by those, who did not hold these claims to be good, that a portion of the public lands should be converted into the means of defraying the expenses of the war, in which all were taking an equal part. New York was the first state which resigned its claims, and in the preamble to the act giving power to its delegates in Congress to make the cession, it is stated, apparently as a motive, that it "had been conceived, that a portion of the waste and uncultivated territory, within the limits or claims of certain states, ought to be appropriated as a common fund for the expenses of the war." And this is the purpose for which the revenue derived from the sales of these lands has been applied by Congress. Acts have been passed at different times to facilitate this object; and the whole amount of proceeds arising from these sales is now pledged for the gradual payment of the public debt, till it shall be extinguished. This scheme is no doubt equitable. It operates equally in favor of all the states. It consults the national interests, without interfering with those which are peculiar to any of the states.

But another system adopted by Congress for disposing of the public lands, is that first proposed in the ordinance of May 20, 1785, and which has since received several modifications. This is the system, which is thought to be partial in its action, by granting pri-

vileges and property out of the common stock, to some of the states, which are not granted to others. The outlines of the plan may be detailed in few words.

All the public lands are surveyed according to the laws and directions of Congress. They are uniformly divided into townships of six miles square, by lines running with the cardinal points, and consequently crossing each other at right angles. Every township is divided into thirty-six sections, each a mile square, and containing six hundred and forty acres. One section in each township is reserved, and given in perpetuity, for the benefit of common schools within that township. Thus one thirty-sixth part of all the public lands is appropriated for the benefit of particular states in aiding common schools. In addition to this, the state of Tennessee has received a grant of two hundred thousand acres for the support of colleges and academies. For the same purpose, also, two entire townships have been granted to Ohio. The appropriations generally, in the new states, for seminaries of the higher order, according to Mr. Maxcy's statement, amount to about *one fifth* of those for common schools.

Starting with these facts, Mr. Maxcy goes into a calculation to ascertain what quantity of land, according to this system, will be taken from the common property of the United States for the use and benefit of those states only, which have been, or will be formed in the territory not embraced in the old states. As the basis of his calculation he takes the estimates contained in Seybert's Statistical Annals. From these it would appear, that the states and territories on the east side of the Mississippi, in which appropriations have been made, amount to 237,297,125 acres. And according to the ratio above mentioned, the aggregate

number of acres actually appropriated on the east side of the Mississippi is 7,909,903.

Seybert also estimates the lands purchased of France in 1803 at 200,000,000 acres. The same system of appropriation will no doubt be applied on the west, as on the east side of the Mississippi. This will make for schools and colleges 6,666,666 acres. And the total appropriations for literary purposes in the new states and territories will be 14,576,569 acres. At two dollars an acre, which is lower than the average price at which the public lands have thus far been sold, the value of these appropriated lands will amount in money to \$29,153,139. Such is the immense amount of property, which, according to the system now pursued by Congress, will be taken from the common stock for the encouragement of learning in particular sections.

This is too plain a case to need any reasonings or illustrations to show that the system, in its present restricted operations, does not extend equal privileges to all parts of the union. Its justice can only be made to appear by proving, that the states which do not participate in these grants, have, in some other way, received an equivalent. But this cannot be proved. They certainly have not received any equivalent in land, for no appropriations of lands have been made for their benefit, as in the other states. Nor have they received any equivalent in value from other sources. In short, the old states neither have received, nor can receive, any benefit whatever from these appropriations, farther than they are the means of advancing the general interest of the United States. But this is a benefit, which the new states enjoy equally with the old, and this too in addition to the full value of all the

lands granted for schools. To produce an equality, even on this principle of all the states being benefitted by these grants, the same appropriations must be made to the other states: not by taking any thing away from the new states, but by giving to the others, out of the lands which still remain, a quantity proportionate to what these have received.

This view of the subject reflects no censure on Congress for the course they have pursued in disposing of the public lands. On the contrary, every friend to enlightened improvement must consider it as dictated by sound policy, wisdom, and benevolence. The system is by no means partial in *principle*, nor necessarily so in application. It has happened, for what reason it is not our present purpose to inquire, that it has not as yet been applied in its full extent. This can now be done with perfect consistency, and without interfering in the remotest degree with any of its former applications, or the consequences resulting from them. Not a single act of Congress would need be repealed, nor would a single alteration be required in the machinery of the land department. No request is made to Congress to retrace steps before taken, but to go forward and finish the work that has been begun.

The constitution delegates to Congress an absolute control over the territories, and all the public lands of the United States; but, at the same time, it takes care to circumscribe this control within due limits, by adding the following clause, namely, "and nothing in this constitution shall be so construed as to prejudice any claims of the United States, *or of any particular state.*" Now the system by which the public lands are disposed of, in its present restricted application, does prejudice the claims of particular states, because each state has

an equal claim to a proportional share of the common property of the whole. Each state, therefore, not enjoying a privilege which has been granted to others, has a constitutional claim on the United States for this privilege, and a right to demand it of Congress. That one, or any number of states, has forborne to make this demand, is no proof that the claim is annulled, or even weakened. The claim receives its validity from the constitution itself, and must continue good, while the constitution remains in force. It hence follows, that the acquiescence of the old states in the partial operation of this system till the present time, is no evidence that their claim has been relinquished, or that it is not in all respects as strong as if they had urged it sooner.

Nor ought any preference to be given to particular states, in making donations of lands, from the circumstance of these lands being within the limits of those states. Wherever they are situated, they are common property, in which every citizen of the United States has an interest. Although they are within the jurisdictional limits of a state, they cannot be taxed by that state, nor be made subject to any state laws respecting sales or titles. These things are wholly regulated by the laws of Congress, in the same manner as with lands in a territory not yet formed into a state. In regard to the justice of the principle, Congress might with as much propriety grant lands in the western territory for the purposes of education in an eastern state, as a western. In either case, it is public property given to a particular state, or, in other words, it is the property of the nation devoted, not to *national*, but to *state* purposes.

We are speaking here of the *justice of the principle*, without pretending that circumstances may not occur in which sound policy would justify, within a limited extent, an unequal distribution of public property. But under no circumstances, we apprehend, can this be done, without a corresponding benefit of some sort to all the states, and as nearly equivalent as the nature of the case will admit. Now we contend, that no such circumstances as those above mentioned are connected with the appropriations, which have already been made for the encouragement and support of education in the western states. No good reason can be shown, why one state should be preferred to another in making this distribution. The revenue derived from commerce is public property, and on the same footing, in this respect, as the public lands. This revenue is chiefly collected in the commercial, or Atlantic states. And this affords just as good an argument in favor of giving a portion of this revenue for the particular benefit of the states in that section, as the circumstance of the public lands being in the west does, that they should be converted to a local advantage in that quarter. The fact, that this revenue is ultimately derived, not from the Atlantic states, but from all the states in which the articles of commerce are consumed, does not alter the case. The public lands have been derived in the same manner; that is, from the common treasure, and united efforts of all the states.

The facts we have thus brought forward, and the view we have taken, conduct us to the following results. First, none of the states originally had any valid claims to the lands, which have since been made over by formal cessions to the United States. They were national possessions from the beginning. But when the United

States consented to accept them as lands of cession, it was virtually acknowledging the claims to be just, and bringing themselves under an obligation rigidly to comply with any conditions attached to the articles of cession. Secondly, the principles of justice, and the letter and spirit of the constitution require, that the public property should be appropriated for the equal benefit of all the states. Thirdly, the system followed in disposing of the western lands has not operated equally, but has favored some states more than others. Fourthly, it is not only a constitutional right, but the duty of the states, which have thus been neglected, to petition Congress for an equal extension of privileges.

To some of the positions, which we have attempted to establish, objections have been made, especially in the Report of the committee of public lands in the Senate of the United States, and in the Report respecting the Maryland resolutions in the Legislature of New York. To these objections we now proceed briefly to reply.

It has been said, that the other states have actually received an adequate consideration for the lands appropriated for schools in the west. The money, which has accrued to the national treasury, by the increased value of the public lands, is thought to be a compensation. This was stated in the Report to the Senate of the United States, and more at large by Mr. Verplanck in the New York Report. He speaks as follows.

“Reservations of school and college lots are upon a large scale, what the reservations of public squares and walks, of lots for churches, markets, and public edifices are in the plans of cities and villages. They are not gratuitously bestowed upon the inhabitants;

nor is their value lost. But on the contrary, they tend to increase their aggregate value far beyond their own proportion, and their price is far more than paid in part of the purchase money of every private sale."

Such, Mr. Verplanck thinks, has been the effect of the western grants.

"They have induced a readier sale, a higher price, and from the character of those settlers, who would be most attracted by these prospects, a more prompt payment. The reservations complained of ought, therefore, to be regarded, not as a partial donation for local objects, entitling every state to similar ones on principles of strict justice, but as a judicious arrangement, calculated and intended to increase the value of that 'common fund, held for the use and benefit of the several states,' and made not for state, but for national purposes."

This argument had already been anticipated by Mr. Maxcy, and answered in a manner so lucid, forcible, and conclusive, that we are surprised to find it repeated by the New York committee, without any reply to the reasonings contained in the Maryland Report.

"Your committee are aware," says Mr. Maxcy, "that it has been said, that the appropriation of a part of the public lands to the purposes of education, for the benefit of the states formed out of them, has had the effect of raising the value of the residue, by inducing emigrants to settle upon them. Although in the preambles of such of the acts on this subject, as have preambles, the promotion of religion, morality, and knowledge, as necessary to good government and the happiness of mankind, have been assigned as the reason for passing them, and no mention has been made of the consequent increase in the value of the lands, that

would remain, as a motive for the appropriation, yet the knowledge, that provision had been made for the education of children in the west, though other motives usually influence emigrants, might have had its weight in inducing some to leave their native homes. If such has been the effect, the value of the residue of the lands has no doubt been increased by it. This increase of value, however, has not been an *exclusive* benefit to the Atlantic states, but a benefit *common* to all the states, eastern and western; while the latter still enjoy *exclusively* the advantage, derived from the appropriations of land for literary purposes. The incidental advantage of the increase in value of the public lands, in consequence of emigration, if it is to be considered in the light of a compensation to the old states, must be shown to be an advantage *exclusively* enjoyed by them. That this however is not the case is perfectly obvious, because the proceeds of the lands, thus raised in value by emigration, when sold, go into the United States treasury, and are applied, like other revenues, to the *general* benefit; in other words, to **NATIONAL** and not to **STATE** purposes.

“It is moreover most clear, that this increase of the value of lands in consequence of emigration, produces a peculiar benefit to the inhabitants of the new states, in which the inhabitants of the other states, unless owners of land in the new, have no participation. This benefit consists in the increase of the value of their own private property.

“On the other hand, it is undoubtedly true, that emigration is injurious to the Atlantic states, and to them alone. While it has had the effect of raising the price of lands in the west, it has, in an equal ratio at least and probably in a much greater, prevented the in-

crease of the value of lands in the states which the emigrants have left. It is an indisputable principle in political economy, that the price of every object of purchase, whether land or personal property, depends upon the relation, which supply bears to demand. The demand for land would have been the same, or very nearly so, for the same number of people, as are contained within the present limits of the United States, if they had been confined within the limits of the Atlantic states. But the supply in that case would have been most materially different. It must have been so small in proportion to the demand, as to occasion a great rise in the value of land in the Atlantic states; for it cannot be doubted, that it is the inexhaustible supply of cheap and good land in the west, which has kept down the price of land on the eastern side of the Allegany. If the Atlantic states had been governed by an exclusive, local, and selfish policy, every impediment would have been thrown in the way of emigration, which has constantly and uniformly operated to prevent the growth of their numbers, wealth, and power; for which disadvantage the *appreciation* of their interest in the public lands, consequent upon emigration, can afford no adequate compensation. It appearing then perfectly clear to your committee, that emigration is exclusively advantageous to the new states, whose population, wealth, and power are thereby increased at the expense of those states, which the emigrants abandon, the inducement to emigration furnished by the appropriation of public lands for the purposes of education in the west, instead of affording a reason for confining such appropriations to that quarter of the union, offers the most weighty considerations of

both justice and policy, in favor of extending them to the states, which have not yet obtained them."

This reasoning seems to us legitimate and unanswerable. The argument itself, which proves the United States to have received a benefit by reason of the inducements held out in the west to emigration, is as powerful evidence as can be had of the unequal operation of the system. The value of the lands has been increased, it is true, and the national treasury has become richer. But how has this been done? By exhausting the Atlantic states. Just in proportion as extraordinary encouragements have been offered to induce the people of these states to emigrate to the west, —just in this proportion, have the states suffered, by losing a part of their population and wealth, and by being made to hold a lower comparative rank in the union. This consideration strengthens the claims of these states. If they had been in no manner affected by the donations in the west, they would still be entitled to similar donations. And since it appears that this enhanced value of the public lands, which, as a national benefit, is thought to be a balance to the privileges enjoyed in the west, has actually been produced at their expense, it is certainly a very strange mode of reasoning to argue, not only that their claim is annulled, but that they have been compensated for their loss. Such compensation as they have received, has been taken from their own pockets.

If the Atlantic states were becoming overburdened with inhabitants, it might be considered a just and benevolent act in the general government to offer extraordinary inducements to allure some of them away. A national good might thus be realized, without injury to any state. But a century at least would elapse, before

the population of any state in the union could become too numerous for ample support from their native soil. By drawing them away, a check is given to the growth of those principles, virtues, and habits, which multiply and extend the comforts of civilized life, which give stability to the social compact, ascendancy to the intellect, dignity to character, courtesy to manners, refinement to taste, and rational, pure, and elevated enjoyment to existence. All the blessings, which it is easy to perceive would thus grow up in the old states, they must lose, by losing their population. Their political influence in the union is also weakened, by diminishing the weight of their representation in the national legislature. Finally, the argument adduced by the New York committee sustains a position directly contrary to the one they advance. Instead of proving the Atlantic states to have no claims, it proves very clearly, that in strict justice, they may not only ask to be put on an equal footing with the western states in regard to schools, but also to be compensated for the loss they have suffered in contributing so largely, and at the expense of sacrifices so dear, to raise the value of the public lands, and thus to swell the amount of the national treasury. The benefit resulting from this accumulation of property is enjoyed by all the states equally. The New York committee acknowledge, that this benefit has sprung out of the emigration from the Atlantic states, and yet very unaccountably make this benefit a reason, why these states should not even be allowed an equal participation of those privileges, which have been the primary cause of the losses they have sustained in promoting the interests of the nation.

A second objection is expressed by the New York committee in the following words;

“It is surely of the deepest interest to the welfare, the peace, and good order of the whole union, that the states every day springing up in the west, should not hereafter be peopled by a race, possessing nothing of civilization, but its vices and its arts of destruction. This might not, indeed, have been the necessary consequence, had the general government neglected to make provision for the diffusion of knowledge among the future population of this great territory, but it is clearly so much within the bounds of probability, as to authorize, and even to require a prudent and wise government to guard against so dangerous a contingency, not only for the sake of those immediately interested, but for the promotion of the best interests of the whole nation.”

The force of this argument we confess ourselves unable to discover. It seems to us little more than a speculation, which no experience nor sound reasoning can substantiate. What is the fact in regard to the states, which have grown up from a wilderness without any such provision for schools? Is it true, that they are “peopled by a race, possessing nothing of civilization, but its vices and its arts of destruction?” We think not. Why then fear this consequence in the west? Or even admitting it may be feared in a remote degree, on what principles of equity is one section of the country to suffer a deprivation of its own means of improvement and happiness, for the exclusive benefit of another? And, moreover, the western appropriations are to be a permanent fund. They are not to operate only till the settlers become civilized and enlightened, and then to cease. But when these states shall arrive at the point of civilization, which now prevails in the old, they will still have this accumulating fund to help

them forward, while the others will have nothing. A weight is thus thrown into the scale against the old states, which is daily growing heavier, and which they have nothing, either at present or in prospect, to counterbalance.

It is further objected, that,

“If the large additional grants for the encouragement of education, insisted on by Maryland, should now be made, a direct and obvious effect would be to diminish the fund, so important to the national interests, by placing immense tracts of lands in other hands, and enabling the individual states to undersell the general government, whenever they should think fit, and materially to retard or to lessen the sales.”

A plain answer to this objection will occur, on reverting to the *object* of the Maryland Repcrt. Nothing more is there urged, than the justice of the *principle*, that all the states have a right to equal advantages from the public lands; and the *fact*, that all have not been thus favored. The objection before us has no bearing on these points. That the general fund of the union will be diminished is no reason, why the just claims of individual states should be rejected. Besides, the Maryland Report proposes no particular mode of answering these claims. Congress has full power to guard against the inconveniences apprehended, and to remedy every evil, by keeping the lands within its own control, by regulating the time of sale, and by fixing a price, under which the states shall not be allowed to sell. Many other modes of settling all difficulty from this source will readily suggest themselves. That obstacles are to be encountered, or sacrifices made, in doing justice, is certainly no argument,

that justice should not be done. Let the mode be left to the wisdom of Congress.

The amount of the claims has been considered as another objection. But Mr. Maxcy has shown, that instead of being large, it is comparatively small. If the same ratio of appropriation be followed, which has thus far been observed, the number of acres requisite to do justice to the old states will be 9,370,760, which is less than has already been granted to the new states, and little more than two acres out of a hundred of all the public lands unsold. That is to say, the sixteen states, which have not received any grants, comprising Vermont, New Hampshire, Maine, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, and Kentucky, these sixteen states do not require so much land for their just proportion, as has already been granted to the states and territories in the west. The notion of the alarming magnitude of the claim therefore is not correct; and if it were, it would add to the reasonableness of its being equitably adjusted. It would truly be a novel proceeding, for a man to refuse paying his just debts, because they were so large.

The Committee of the Senate of the United States admit the ground taken in the Maryland Report to be well supported, as far as the principle is concerned, and think it *expedient* to grant something out of the sales of the public lands for the aid of schools in the old states. Two or three statements, however, in their report, appear to us to admit correction.

“The lands,” say they, “thus granted to the states for the above purposes are not subject to taxation by the state government, and can only be settled in the

manner pointed out by the states in which they lie. If, therefore, correspondent quantities for the purposes of education are to be granted to all the old states, (under which term the committee believe all states will be included, which have not received donations of land for that purpose,) it would seem, that the states and territories, which now contain public land, *would have an excessive proportion of their superficies taken up with such donations, leaving but a small part of the land in each subject to taxation, or settlement, except at the will of other sovereign states.*"

This we take to be a distorted view of the subject, and hold the apprehensions expressed in the last clause of the paragraph to be quite gratuitous. In the first place, it ought not to be taken for granted, that the lands, which are required for the old states, are to be disposed of in the same way, or to be subject to the same conditions, as those already appropriated. Nothing of this nature is contemplated in the Maryland Report. Every thing relating to conditions and modes of conveyance is left to congress, with the expectation, of course, that such a plan will be pursued, as will operate with perfect equity towards the new states. And in the next place, there is no occasion for the alarm, which the committee express, in regard to the quantity of land, which may be taken from any particular state. By the estimate attached to their own Report, the quantity of public lands in each of the new states, except Ohio, is nearly three times as much as the whole amount required for the old states. Let this quantity be divided among all the states, in which the public lands are situated, and the evil apprehended in the Report will be very trifling, even in its fullest ex-

tent, and upon the false supposition, that it must necessarily exist at all.

Again, the Committee of the Senate of the United States observe,

“The lands, therefore, granted to some of the new states for the purposes of education, though distinguished in common parlance by the name of donations, were in fact sales bottomed upon valuable considerations; in which the new states surrendered their *right* of sovereignty over the remaining public lands, and gave up the whole amount, which might have been received in taxes, before such lands were sold, and for five years thereafter.”

The fallacy of this notion will immediately be discovered on reflecting, that the new states *never had any right of sovereignty* over the public lands, and consequently could surrender none. It has been justly observed by an able writer, that “as Congress possesses, in absolute dominion, the whole territory, before the creation of the new states, and *makes* those states, it is not to be understood how any *right* of sovereignty is relinquished by them.” The new state becomes such on conditions; one of which is, that it shall not tax the public lands within its limits. Nothing is given up, for nothing was held in possession. After the state is formed, then its *rights* are commensurate with the conditions, which it has accepted. But these conditions exclude all control over the public lands, and absolutely forbid any demands of an equivalent for what might have been derived from them, had the privilege of taxation been allowed. It is furthermore to be observed, that in no public act, relating to the new states, has it ever been intimated, that they received the grants for schools, as an equivalent for

any thing. No other motives have been assigned, or even implied, than the benevolent and disinterested ones of promoting education, morals, religion, civil order, and good government. Had any *right* existed on the part of the states, in the estimation of the general government, is it credible, that it would never have been recognized, or even alluded to, in the acts relating to the public lands, and especially the grants to the states?

We have thus adduced some of the general reasons, for an equal distribution of the public property for the encouragement and support of schools and colleges in all the United States; and endeavored to obviate, as we hope successfully, the principal objections, which have been started. It is hardly to be accounted for, that any objections should seriously be urged in a case of so much interest, importance, and obvious justice. If difficulties are thought to lie in the way, let them be removed by Congress, in such a manner as shall be conceived most judicious and effectual. But let not the apprehension of these difficulties blind our eyes to the perception of justice, tie up our hands, shut up our hearts, and disable us from making those efforts, which the cause of learning, and our national welfare, dignity, and honor, demand. It is at least a duty, which all the states, that have not received appropriations, owe to themselves and to future generations, to press the subject on Congress, and have their claims fairly and thoroughly investigated. Let this be done, and for ourselves we can have no doubt of the result.

Nor do we discover, that the view we have taken can operate in any degree against the best interests of the western states. To suppose them unwilling to allow the other states equal privileges with themselves,

would be a reflection on their magnanimity, generosity, and good principles, which is not to be admitted. They have, it is true, a proportional interest in the public property, out of which any grants to the old states must be made; but it is equally true, that these states once had an interest in the lands, which have already been granted to them. The committee of public lands propose, that a certain portion of the amount of sales shall be allowed to the several states, which have received no aid for schools. Now this fund belongs to all the states collectively, and whatsoever is taken out for the east will consequently be drawing something from the west. But there is no inequality in this. All the appropriations, which have been, or may be granted, once belonged to the common fund. They were to be distributed equally to all parts of the union. Some of the states have already received their portion, while it yet remains for the others to receive theirs. To us this appears a fair statement of the case. But should it be found, on a closer examination, that the proposed appropriations to the old states will give the new ones a claim to something more, let it be granted. We plead only for an equitable adjustment, on the most feasible terms.

Much might be said to enforce the policy of the measures, which we have been endeavoring to defend on the ground of equity. It was an admonition of the illustrious Washington, springing not more from wisdom and foresight, than the purest benevolence, that the states should vigilantly guard against any step, which should "furnish ground for characterizing parties by geographical distinctions." Is it not obvious, that the course thus far pursued by Congress must have this tendency? To favor one part of the union more than

another will necessarily excite sectional jealousies, sow the seeds of discord, and nourish a root of bitterness and discontent, inimical to peace, harmony and good government. The safety and happiness of the nation depend on the moral as well as the political union of the parts, a union of sentiment, feeling, and affection, founded on equal rights, privileges, and enjoyments. To preserve this union, every state must have the fullest confidence, that all its rights are respected, and all its just privileges granted.

There are, also, other considerations of great weight springing out of the importance of learning, especially in a government like ours, where the supreme control depends on the opinion of the people. Under such circumstances, how important is it, that this opinion should be enlightened? The representative body of the nation is drawn together from every part. Hence, it is requisite that the means of knowledge should be equally scattered, that the balance of advantages derived from this source may be preserved. "Without question," says Bacon, "there is no power on earth which sets up its throne in the spirit and souls of men, and in their hearts and imaginations, their assent also and belief, equal to learning and knowledge;" and again, "there is scarce one instance brought of a disastrous government, where learned men have been seated at the helm." Now the most certain mode of making learned rulers, is to extend as far as possible the influence of learning to the people from whom the rulers are taken.

But intelligence not only makes good rulers, it makes peaceable citizens. It causes men to have just views of the nature, value, and relations of things, the purposes of life, the tendency of actions, to be guided by

purer motives, to form nobler resolutions, and press forward to more desirable attainments. Knowledge smooths down the roughness, and tames the native ferocity of men. The maxim of the poet is true;

*Scilicet ingenuas didicisse fideliter artes,
Emollit mores, nec sinit esse feros.*

Laws will be obeyed, because they are understood and rightly estimated. Men will submit cheerfully to good government, and consult the peace of society, in proportion as they learn to respect themselves, and value their own character. These things are the fruit of knowledge. But ignorance is a soil, which gives exuberant growth to discords, delusions, and the dark treacheries of faction. Ignorance in the people, in fact, takes all security from the government. While ignorant, they are perpetually subject to false alarms and violent prejudices, ready to give a loose rein to the wild storms of their passions, and prepared to yield themselves willing victims to the seductions of every ambitious, turbulent, treacherous, and faithless spirit, who may choose to enlist them in his cause. Knowledge will work upon this charm with a potent efficacy, lay the hideous spectres which it calls up, and preserve the soundness and growing strength of the social and political fabric.

It should, furthermore, be considered the glory and the duty of our national legislature to aid in establishing morals and religion, both as a means of safety to the government, and happiness to the people. The first step in accomplishing this purpose, is to fix the principles of virtue, and impress the importance of religious practice, by enlarging the sphere of mental light, touching the springs of curiosity, opening the

channels of inquiry, and pouring into the mind new materials of thought and reflection. All branches of intellectual improvement will lead to moral goodness. The mind, which is taught to expatiate throughout the works of God, to ascend to the heavenly worlds and find him there, to go into the deep secrets of nature and find him there, to examine the wonders of its own structure, and look abroad into the moral constitution of things, and perceive the hand of an invisible, Almighty Being giving laws to the whole, will be impressed with a sense of its own dependence, and feel something of the kindling flame of devotion. It is not in human nature to resist it. And so the man, who begins to study the organization of society, the mutual relations and dependencies of its parts, its objects, and the duties it imposes on those, who would enjoy its benefits, will soon be made to respect its institutions, value its privileges, and practise the moral virtues in which its very existence consists. The more extensively these inquiries are encouraged, and these principles inculcated, in the elements of education, the greater will be the certainty of moral elevation of character, and the brighter the prospects of a virtuous and happy community. In regard to religion, ignorance is its deadliest bane. It gathers the clouds of prejudice from all the dark corners of the mind, and causes them to brood over the understanding, and too often the heart, with a dismal, chilling influence. It gives perpetuity to error, defies the weapons of argument and reason, and is impassive even to the keen sword of eternal truth. Religion requires the aid of knowledge to be received in its purity, and felt in its power. To bring into salutary action these two great instruments of human happiness, morals and religion,

nothing is of so much importance, as to multiply the facilities of education, and quicken the spirit of enlightened inquiry.

Through the medium of education the government may give a strong impulse to the arts, and help to build up the empire of the sciences. Before men can invent, or make profound discoveries, they must be taught to think. Savages never advance a step farther in discoveries and inventions, than they are compelled by their wants. The external comforts of civilized life depend on the useful arts, which an improved state of the intellect has brought to light. In the sciences, and in literature, we have a vast uncultivated field before us. We will not enlarge on so trite a subject, as the value of these noble branches of human improvement, nor on so obvious a one, as the immense advantages that must flow to us as a nation, from having them thoroughly cultivated among us. They ought to be brought under consideration in connexion with this subject; and on every mind, whose conceptions are not narrowed within the most ordinary bounds, they will have a solemn and impressive influence. In the arts of traffic, and the mysteries of gain, we may perhaps be contented with the skill we possess. But to be contented with our progress in the sciences and literature, and all those attainments, which chiefly dignify and adorn human nature, would argue an obtuseness and apathy altogether unworthy of a people, who are blessed with so many political, civil, and local advantages of various kinds, as the inhabitants of the United States.

In closing this article, we are glad to embrace the opportunity afforded us, by the subject we have been discussing, of saying a few words on the literary en-

terprise and efforts of the state, in which the Report, recommending a general appropriation for the aid of learning, originated. The legislature of Maryland gave early attention to the establishment of schools. At the session in 1692, an act was passed for the encouragement of learning; and four years afterwards King William's Free School was established at Annapolis, on a very broad and liberal basis. In 1723, a school was erected in each of the counties, and the funds, which had been provided by previous acts for the support of schools, were distributed among them in equal proportions. Lands were also given in each county for the use of the teachers. One source of income to the school fund was a tax of twenty shillings a poll on all negroes imported into the state, and also on all Irish servants who were papists, as the act says, "to prevent the growth of popery by the importation of too great a number of them into this province." In these county schools, such children as the visitors should select for the purpose were required to be taught gratis. This system, it would seem, was conducted with considerable success, and was aided from time to time by the patronage of the legislature.

The school at Chestertown, in Kent county, had become so flourishing in the year 1782, that the visitors petitioned the legislature to have it formed into a college. The petition was granted, and the institution took the name of Washington College. The number of students at the time of this change was one hundred and forty, and was soon after augmented to two hundred. Buildings were erected at the expense of ten thousand pounds taken from the funds, which had been procured by private subscriptions. The state granted an annual appropriation of twelve hundred and fifty

pounds. Two years after, another college was founded on a similar plan at Annapolis, called St. John's College, with which King William's School was incorporated. To this institution was made a yearly grant of seventeen hundred and fifty pounds. The same act, by which St. John's College was founded, authorized a union of this with Washington College, under the title of the University of Maryland.

The acts for founding and incorporating these institutions were drawn up with considerable ability, and they embrace many sound principles and just views. But they are marked with some radical defects. The system of government and discipline was one, under which no institution could long exist. Each college was under the direction of twenty-four visitors. These were required to assemble quarterly at the college to examine the students, hear appeals, decide on their conduct, and in general, to put the laws in execution. Thus all power was virtually taken out of the hands of the immediate officers, in whose hands alone it could be of any value in preserving necessary subordination, and enforcing wholesome rules of discipline. The students would not respect officers, who they knew had no authority, and from whose decision they might appeal on the most trivial occasion to a body of men, who could have no more than a very imperfect knowledge of the merits of the case, and who at best could be but ill qualified to judge. The circumstance of meeting so often, and entering into such details, must also have contributed rather to diminish, than strengthen the interest of the visitors themselves. In addition to these evils, the scheme of having a university composed of colleges in different sections of the state, we conceive to have been wholly impracticable. The two

bodies of visitors were united into one with a chancellor at its head. This body in its united capacity formed laws and regulations for the two colleges. But it is impossible, in the nature of things, that the interests of institutions so far separated could be precisely the same. Nor could they act in concert, or promote a unity of purpose. Under such circumstances, it is not surprising, that this university did not answer the expectations of the legislature, nor of the public. So much dissatisfaction at length prevailed, that in the year 1805, the state entirely withdrew its patronage. We have heard other reasons assigned, than those we have mentioned, such as the spirit of party, unfortunate choice of teachers, and local prejudices. These, no doubt, had some influence; but we are convinced, that no combination of fortunate circumstances could have remedied the evils at which we have hinted. Since the decision of the Dartmouth College question, it has been made a subject of debate, whether the proprietors of these colleges cannot regain their former privileges. It is urged, that many individuals made large donations, with the understanding, that the state was permanently pledged to continue the support at first granted. But it is so doubtful whether this point can be well sustained, that it is not likely any decided step will be taken.

Although the state was disappointed in the success of this institution, it did not slacken its exertions in aiding the cause of learning. Its funds were distributed more largely to the counties. In most of the counties, respectable academies have been established, which receive annually considerable sums out of the state treasury. Each county, we believe, is entitled to eight hundred dollars, and some receive more. There are instances in which two or more counties have united

their resources. Charlotte Hall School is supported in this way, and sustains a high rank. In addition to these grants for academies, nearly as much more is given for common schools. The whole amount of money annually expended by the state of Maryland for the purposes of education, exceeds twenty-five thousand dollars.*

These details are enough to show, that the efforts of this state in advancing the interests of learning have been liberal, honorable, and worthy of the highest praise. It has afforded its patronage to several literary institutions, by loaning money, granting lotteries, and

* The following are the annual donations, granted at present from the treasury of the state of Maryland for Academies in the different counties.

To Elkton Academy,	Dolls. 300
Washington Academy.	800
Talbot Academy,	800
Charlotte Hall School,	2000
Frederick County School,	800
Garrison Forrest Academy,	400
Franklin Academy,	400
Allegany County School,	500
Centre Ville Academy,	800
Rockville Academy,	800
Hagers-Town Academy,	800
Cambridge Academy,	500
Hillsborough School,	500
West Nottingham Academy,	500
St. John's College,	1000
Washington College,	800
Harford County Academy,	500
	Dolls. 12,200

In addition to these grants from the state treasury, the Banks of Maryland have been required since the 1st of January 1815, to pay twenty cents on every hundred dollars of their capital for the support of common schools. This money is paid to commissioners of the School Fund, who are appointed in each county, and in the city of Baltimore.

The Bank capital in the state may be estimated at 7,500,000 dollars, and the annual amount for schools derived from this source, according to the above ratio, is Dollars. 15,000
Add the amount paid out of the state Treasury, 12,200

Dolls. 27,200

other facilities. To Baltimore College it granted a lottery, which was to yield thirty thousand dollars. In 1807, the Medical College was founded in Baltimore, with the privilege of raising forty thousand dollars by lottery; and in 1812, the charter was extended to embrace all the departments of science and literature, with a privilege subsequently granted of raising one hundred thousand dollars more. The institution, with this extension of its charter, is called the University of Maryland. It consists of four faculties, namely, divinity, law, medicine, and the arts and sciences; and is under the control of twenty-eight regents. To obtain a degree, students are required to be examined in the presence of the regents; and no one can be considered a candidate for the degree of bachelor of arts, till he has attended lectures in the university for the space of two years, nor for the degree of master of arts, till he has attended the same for three years. The medical department is the only one, which has yet gone into full operation. As a medical school, this is believed to be little inferior to any in the country, and is daily rising in reputation. The college building is beautiful and spacious, and the lecture rooms remarkably commodious. The chemical apparatus is considered equal, if not superior, to any in the United States. During the last session of the legislature, a loan was granted to the University of Maryland, and it is hoped, that all

Hence it appears, that the state pays annually *twenty seven thousand two hundred dollars* for the support of Colleges, Academies, and Schools.

The distribution of the money derived from the Banks is peculiar;—it is divided into equal portions among the nineteen counties, although the population of some of the counties is five times as large as that of others. And the fund appropriated for the county of Baltimore is divided equally between the city and the county, although the population of the city is nearly double that of the county.

the departments will before long be brought at least into partial operation. The professor of divinity, Rev. Dr. Wyatt, has given a few lectures, but no regular course. The professor of law, Mr. Hoffman, is preparing a course of lectures, which, if we may judge from the syllabus he has published, will do honor to the university, and justify the expectations, which have been raised by the favorable evidences of his talents and qualifications exhibited in his work on the study of the law.*

St. Mary's College in Baltimore was empowered by the legislature in 1805 to admit students to degrees, and grant diplomas. This is a highly respectable institution, and has sent forth some of our first literary men. It is under the direction of the Catholics, but no religious test is required to enjoy its privileges, or obtain a degree. It is, indeed, a fact, which redounds much to the honor of the state, that in all its charters to literary institutions, from the time of its first acts, it is formally and explicitly stated, that no distinctions shall be made in favor of any religious sentiments, but that students, professors, visitors, and regents, shall be taken from all denominations and be admitted to equal privileges.†

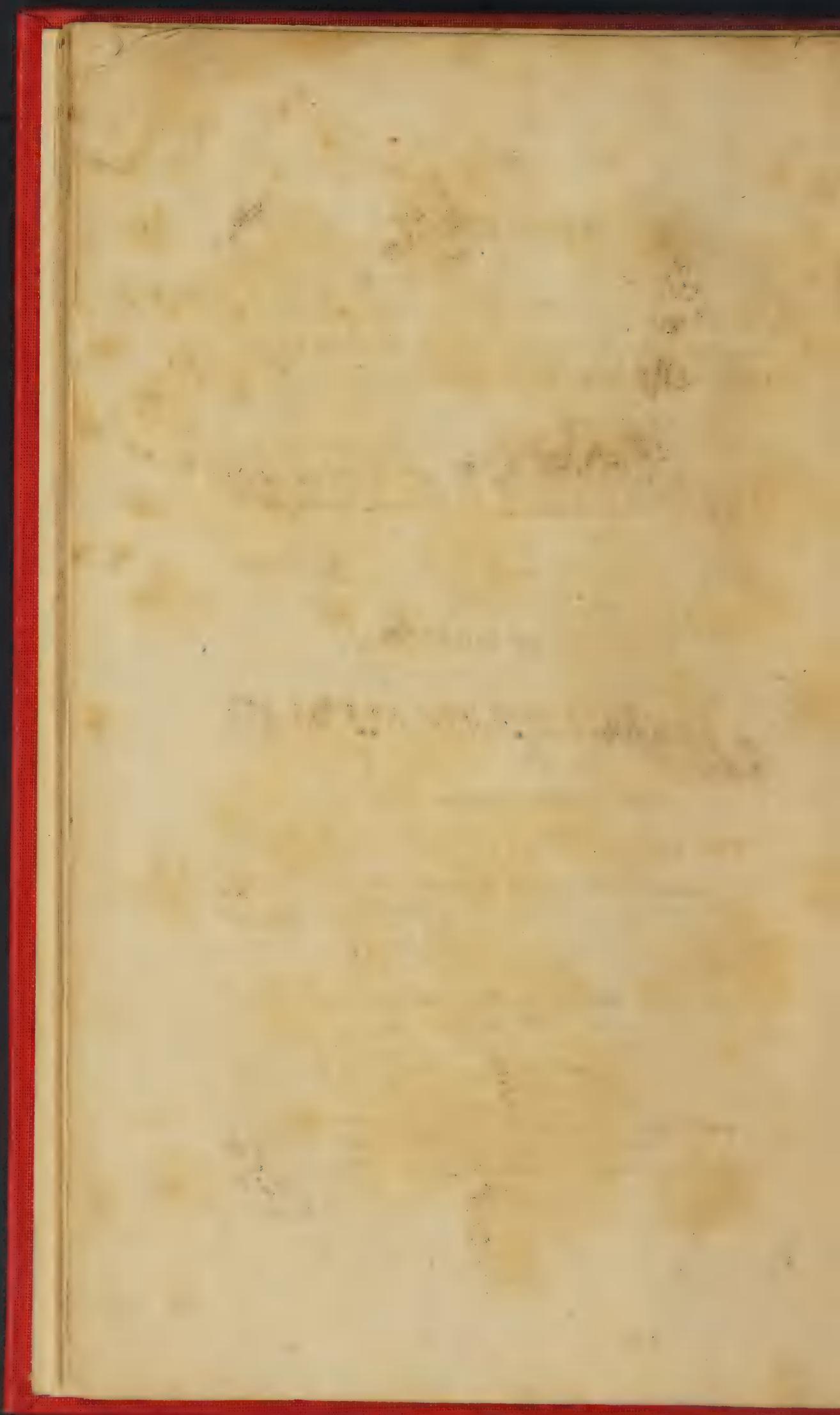
* See a review of Hoffman's Course of Legal Study, N. A. Review, vol. vi. p. 45.

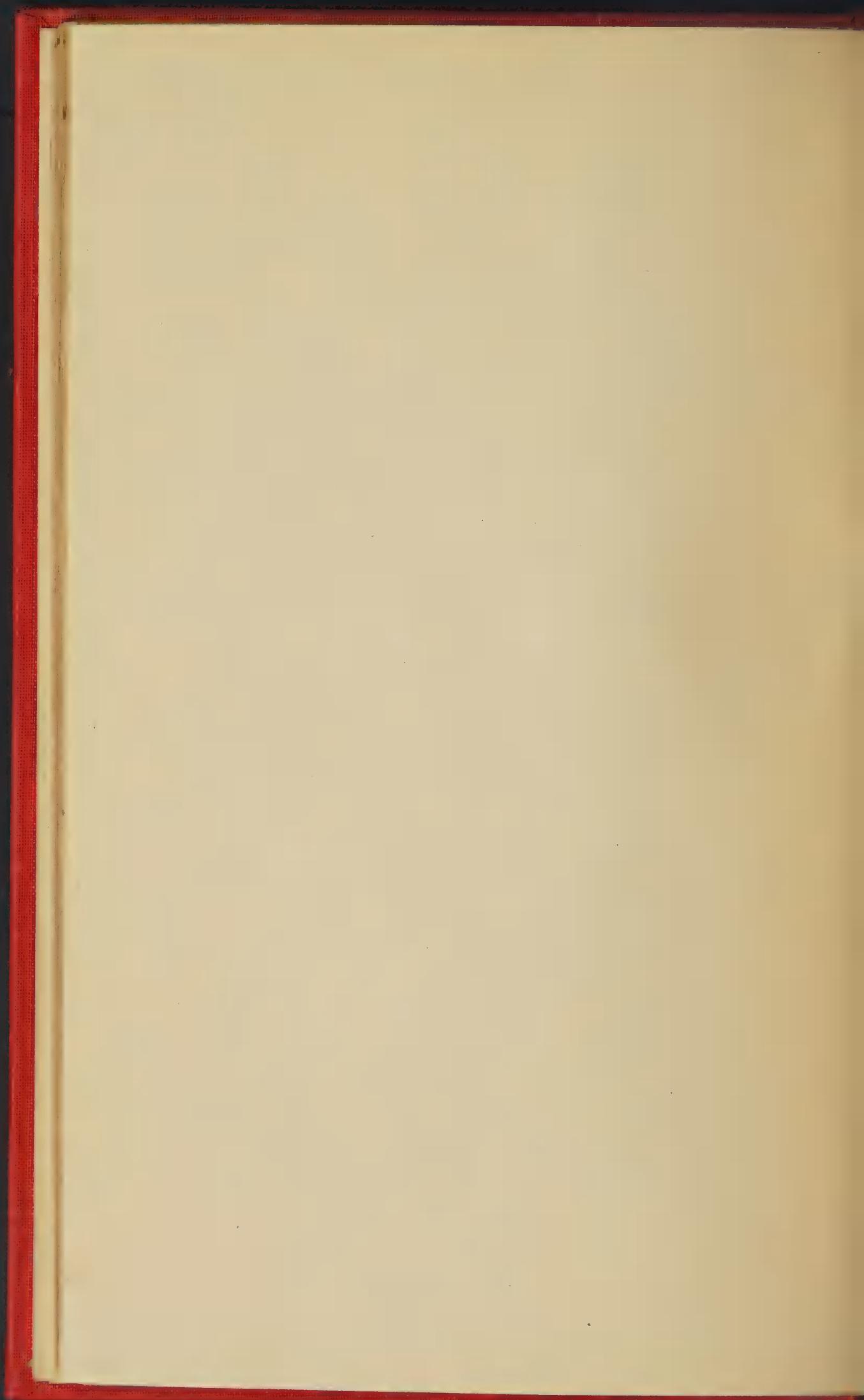
† The following is the second section of the act founding the present University of Maryland; "The said University shall be founded and maintained for ever on the most liberal plan, for the benefit of students of every country and every religious denomination, who shall be freely admitted to equal privileges and advantages of education, and to all the honors of the University, according to their merit, without requiring or enforcing any civil or religious test, urging their attendance upon any particular plan of religious worship or service; nor shall any preference be given to the choice of a Provost, Professor, Lecturer, or other officer of said University, on account of his particular religious professions, but regard shall be solely had to his moral character, and other necessary qualifications to fill the place for which he shall be chosen."

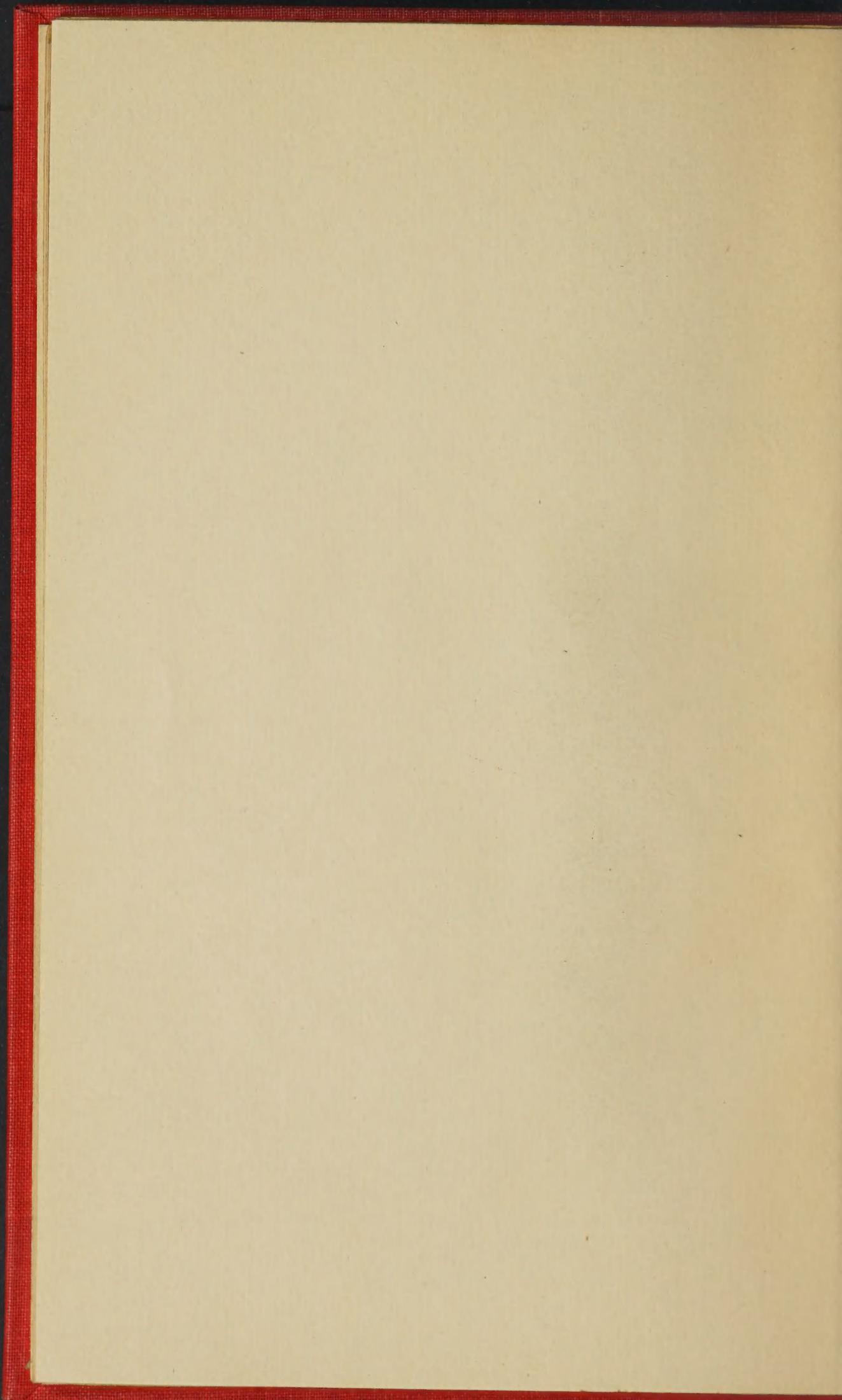
It is a complaint, we believe, of most of the states at the south, which have made donations for the aid of schools and colleges, that the money has not produced so good and extensive effects, as was desired and reasonably expected. This subject deserves serious attention. We are confident, that the munificence of the state legislatures has been much greater than is generally imagined. A statement of the amount of donations in the several states, for a number of years past, and the manner in which they have been applied, would be a valuable document. It would afford a clue to the cause of failure in particular cases, and lay a foundation for a more judicious and beneficial management. We suspect the grounds of complaint may be traced to two sources; a deficiency of qualifications in the persons to whom the disposal of money is entrusted, and a want of proper care in selecting teachers.

Before we wholly close this article, we beg leave earnestly to recommend the principal subject of it to the attention of the American public at large, and individually of the state governments in our own neighborhood, who cannot, we think, acquit themselves of unfaithfulness to the interests of their constituents, if they do not imitate the laudable example of the legislature of Maryland, in pursuing so important and just a claim. We need not, any more than the Committee of the Senate of Maryland, the framers of the Report before us, disclaim the idea of looking with jealousy on the appropriations for education in the new states. We would sooner double than diminish them. But we must also be permitted to say, what experience, we believe, has already shown in some of these states, that the appropriations are likely, in the new states themselves, from hasty and injudicious application, and

the general immaturity of society, to be almost wholly unproductive of any permanent utility; while by extending them to the older states, where there are already flourishing establishments for education capable of forming a *nucleus* for farther increase, the greatest benefit and honor would result to our common country. In conclusion, we cannot but express our gratitude to the legislature of Maryland for the enterprise and perseverance with which they have brought forward and pursued this claim, and to the chairman of their committee, Mr. Maxcy, for the forcible and considerate form in which the Reports are drawn up.







187095

1747939

